

REMARKS

Claims 1-17 are currently pending, wherein claims 2-15 have been withdrawn from consideration. Favorable reconsideration is respectfully requested in view of the remarks presented herein below.

In paragraph 5 of the Office action ("Action"), the Examiner rejects claims 1, 16, and 17 under 35 U.S.C. 112, second paragraph, as being indefinite. More specifically, the Examiner asserts that it is unclear "whether or not the rear speakers and the headphone are receiving a separate signal." Although, Applicants disagree with the Examiner's assertion regarding the clarity of independent claim 1, in order to expedite prosecution of the present application, claim 1 has been amended to even more clearly define that the signal provided to the headphone is independent of the signal provided to the rear speakers. Reconsideration and withdrawal of the rejection of claims 1, 16, and 17 under 35 U.S.C. 112, second paragraph is respectfully requested.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle Reg. No. 46,607 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/089,178
Amendment dated July 30, 2009
Reply to Office Action of May 13, 2009

Docket No.: 1163-0399P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: July 30, 2009

Respectfully submitted,

By Penny Caudle #46,607
Chad J. Billings
Registration No.: 48,917
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant